

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

267406 BC LTD, et al.,

Defendants.

NO: CV-12-484-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80296

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for Entry of Default and Judgment against Defendants Mark and Sharka Stuyt, and it appearing from the file and records of this Court in this cause that the default judgment (Bkcy. Dkt. No. 185) entered by the Bankruptcy Court should be deemed

1 proposed findings of fact and conclusions of law, and that entering final default
2 judgment in conformity with the default judgment entered by the Bankruptcy Court
3 is appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
6 Trustee for LLS America, LLC, shall have a judgment against Defendants Mark
7 and Sharka Stuyt, as follows:

8 1. Monetary Judgment in the amount of CAD \$26,042.98, pursuant to 11
9 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of CAD \$26,042.98 made to the Defendants Mark
11 and Sharka Stuyt within four years prior to the Petition Filing Date are hereby
12 avoided and Plaintiff may take all necessary action to preserve the same, pursuant
13 to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2)
14 and RCW 19.40.071;

15 3. All said transfers to Defendants Mark and Sharka Stuyt are hereby set
16 aside and Plaintiff shall be entitled to recover the same, or the value thereof, from
17 Defendants Mark and Sharka Stuyt for the benefit of the estate of LLS America,
18 pursuant to 11 U.S.C. §§ 544, 550 and 551;

19 4. All proofs of claim of Defendants Mark and Sharka Stuyt which have
20 been filed or brought or which may hereafter be filed or brought by, on behalf of,

1 or for the benefit of Defendants Mark and Sharka Stuyt or their affiliated entities,
2 against the Debtor's estate, in this bankruptcy or related bankruptcy proceedings,
3 are hereby disallowed and subordinated to the monetary judgment granted herein
4 and Defendants Mark and Sharka Stuyt shall not be entitled to collect on their
5 proof of claim (Claim No. 200-1) until the monetary judgment is satisfied by
6 Defendants Mark and Sharka Stuyt in full, pursuant to 11 U.S.C. §§ 502(d),
7 510(c)(1) and 105(a);

8 5. A constructive trust is hereby established over the proceeds of all transfers
9 in favor of the Trustee for the benefit of the estate of LLS America; and

10 6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00
11 USD, for a total judgment of CAD \$26,042.98, plus \$250.00 USD, which shall
12 bear interest equal to the weekly average of one-year constant maturity (nominal)
13 treasury yield as published by the Federal Reserve System.

14 The District Court Clerk is directed to enter this Order, enter judgment as
15 outlined above, and provide copies to counsel and to Judge Patricia C. Williams.

16 DATED this 1st day of November 2012.

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18
19 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
20 Chief United States District Court Judge